

Amendments to the Drawings:

The attached drawing pages include the following:

Replacement Sheets

Annotated Marked-up Drawings.

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 10/06/2005, having a shortened statutory period for response set to expire 01/06/2006, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Elections/Restrictions

Applicant thanks the Office for acknowledging Applicant's election of Species A.

Drawings

The drawings stand objected to because reference numeral 52 is missing therefrom. Applicant therefore files herewith drawing sheets indicating the correction in permanent red ink and replacement drawing sheets, in accordance with 37 CFR 1.121(d).

Specification

The disclosure stands objected to because the reference numeral "24" appears twice in paragraph [0039] and because incorrect reference numerals appear in paragraph [0049]. The specification has been amended to correct these errors.

Claim Objections

Claim 1 stands objected to because "the hand" in line 24 lacks antecedent basis. This ground of rejection is met by changing "the hand" to "a hand." It could also be met by deleting "of the hand."

Claims 4-10 stand objected to because claim 4 includes two separate claims. This ground of rejection is met by re-numbering the claims. Accordingly, upon entry of this Amendment A, claims 1-25 will be pending and claims 17-25 will be withdrawn from consideration in this prosecution. The Office's examination of the application as if the second part of claim 4 is actually claim 5 means that re-numbering the second part of claim 4 as claim 5 will result in withdrawal of original claims 16-24, re-numbered as claims 17-25.

Claim Rejections – 35 U.S.C. § 112

Applicant acknowledges the quotation of 35 U.S.C. § 112, second paragraph.

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, because the tabs formed integrally with the barrel of the syringe are recited in claims 1 and 11 as being a part of the invention. This error is corrected by re-locating the recitation of said tabs to the preamble of claims 1 and 11, respectively.

Claim Rejections – 35 U.S.C. § 102

Applicant acknowledges the quotation of 35 U.S.C. § 102(b).

Claims 1-4 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee. Reconsideration and withdrawal of this ground of rejection is requested because Applicant's structure, as now claimed, enables a user to advance and withdraw the plunger without removing a thumb or finger from surface 36. In sharp and distinct contrast, re-positioning of the user's fingers or thumb or palm is required when the Lee device is used. As disclosed in column 6, lines 24-28:

To redirect plunger 13 into syringe barrel 12 an operator need merely apply pressure to back wall 93, of plunger withdrawal extension 92, resulting in forward movement of plunger 13 into syringe barrel 12.

The provision of trigger flange 85 mandates the requirement to push back wall 93 because said trigger flange can only be pulled, but not pushed.

Paragraph [0052] of Applicant's specification recites as follows:

The retrofit, snap-on attachment of adaptor 30 to conventional syringe 10 ensures simultaneous and corresponding movement of thumb-supporting surface 36 and the leading end 22 of plunger 20. No special skill is required to slide said slide member 32 rearwardly, *i.e.*, in a distal-to-proximal or trailing-to-leading direction when aspirating blood into barrel 18, or forwardly, *i.e.*, in a proximal-to-distal or leading-to-trailing direction when performing an injection. The forward and rearward sliding motion is a very simple motion that does not require the physician to re-grip the barrel or to otherwise re-position his or her hand during a procedure. Thus, the physician can pay maximum attention to proper needle location, and need not develop the skill of manipulating the trailing end of a plunger with a little finger or a palm of the same hand that holds the syringe.

Clearly, devices such as the Lee device require a physician to develop the skill of manipulating the trailing end of a plunger with a little finger or a palm, or a thumb, of the same hand that holds the syringe. In the alternative, a physician could use a second hand to push on the trailing end of the plunger but of course the device could not then be accurately described as a single-hand device.

Nor can it be said in fairness to Applicant that the Lee device is held with a user's thumb on top of a barrel and the user's four fingers below the barrel. For trigger flange 85 to operate properly, a user must ensure that his or her thumb is not touching the syringe barrel or trigger member 90. The thumb is best tucked away below the barrel so that it does not impede operation of the device when trigger flange 85 is pulled. After trigger flange 85 has been pulled, then the user must figure out a way to re-position his or her hand so that a palm little finger, or thumb may be brought to bear against the trailing end of the plunger. This is of course is the very limitation that Applicant's invention overcomes.

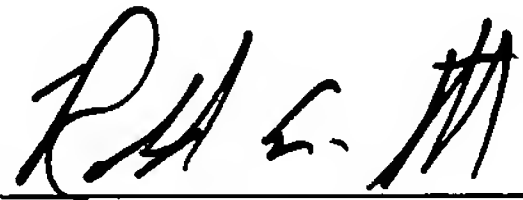
As amended, Applicant's claims recite Applicant's contribution to the art without also reciting Lee's contributions thereto. Lee clearly teaches away from Applicant's slide member having a first, lower surface that slideably engages a syringe barrel and a second, upper surface that supports a finger or a thumb.

Conclusion

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

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Dated: January 6, 2006

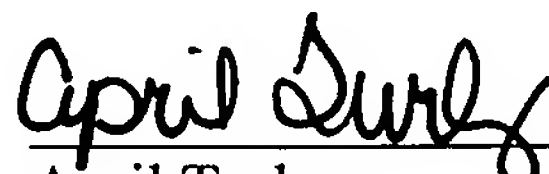
pc: Michael E. Nerney, M.D.

CERTIFICATE OF MAILING

(37 C.F.R. 1.10)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, Amendments to the Drawings and Remarks, is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee," mailing Label No. EV770341685US, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 6, 2006.

Dated: January 6, 2006



April Turley



FIG. 2

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Annotated Marked-up Drawing

FIG. 3.

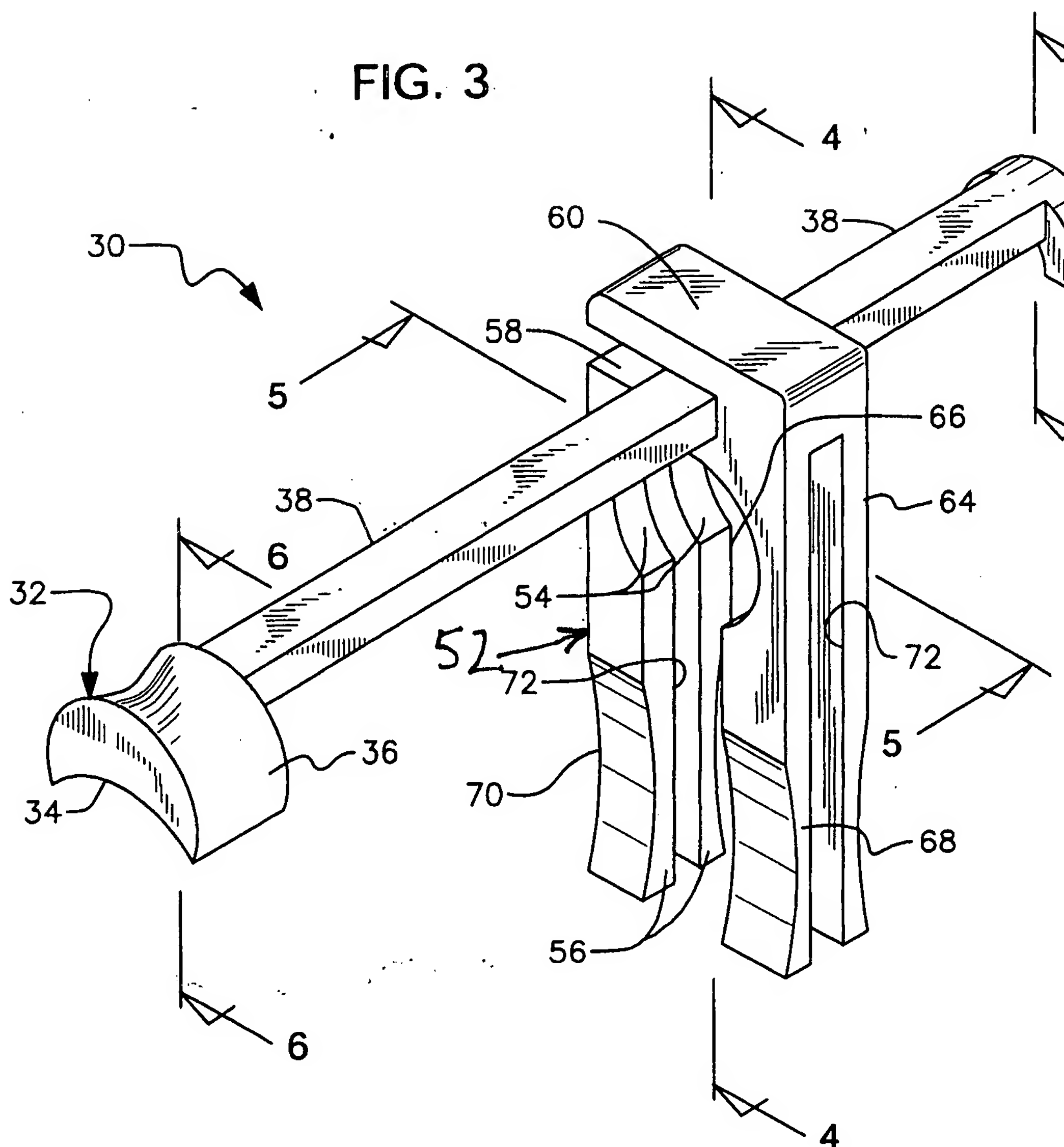


FIG. 4

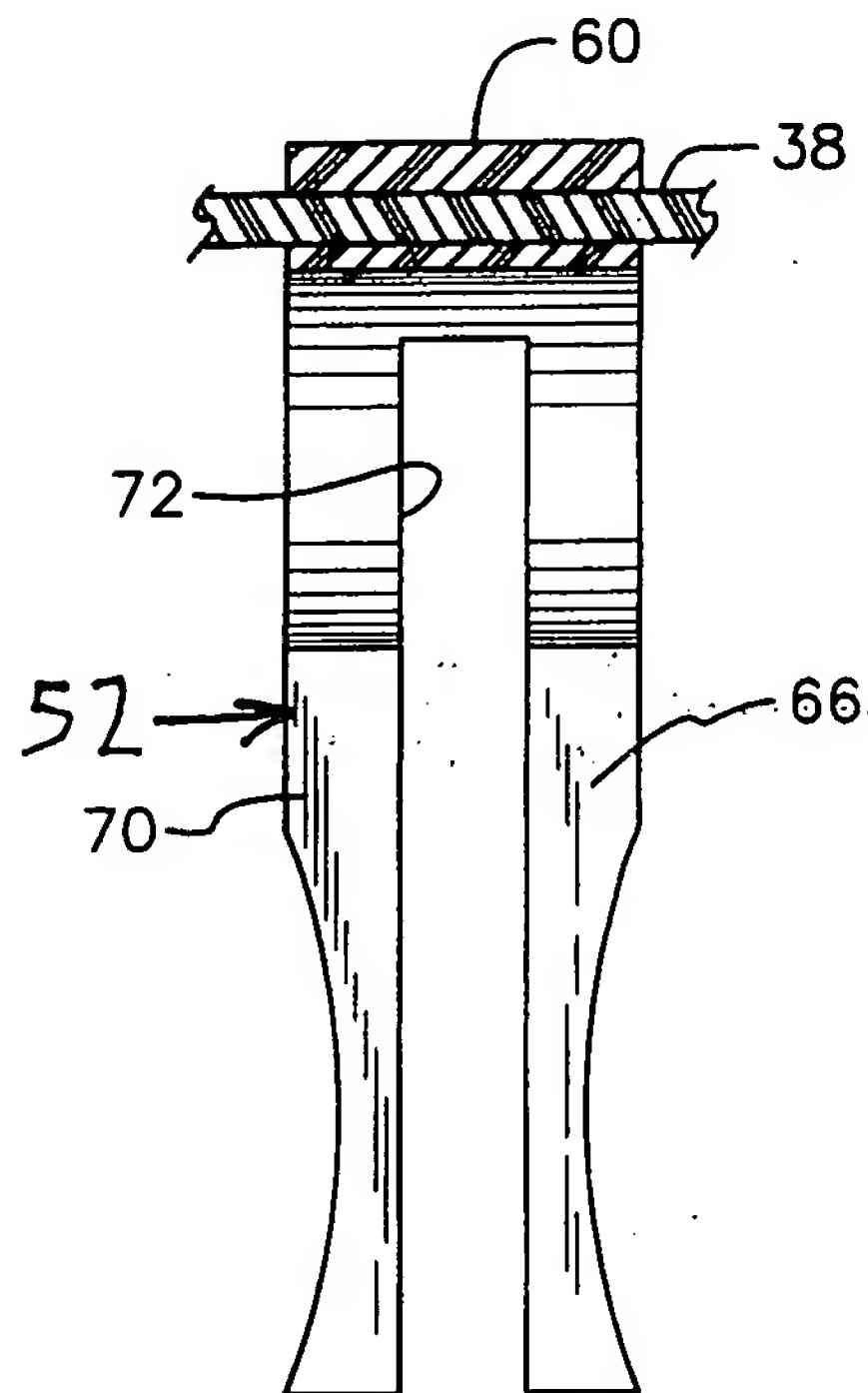


FIG. 5

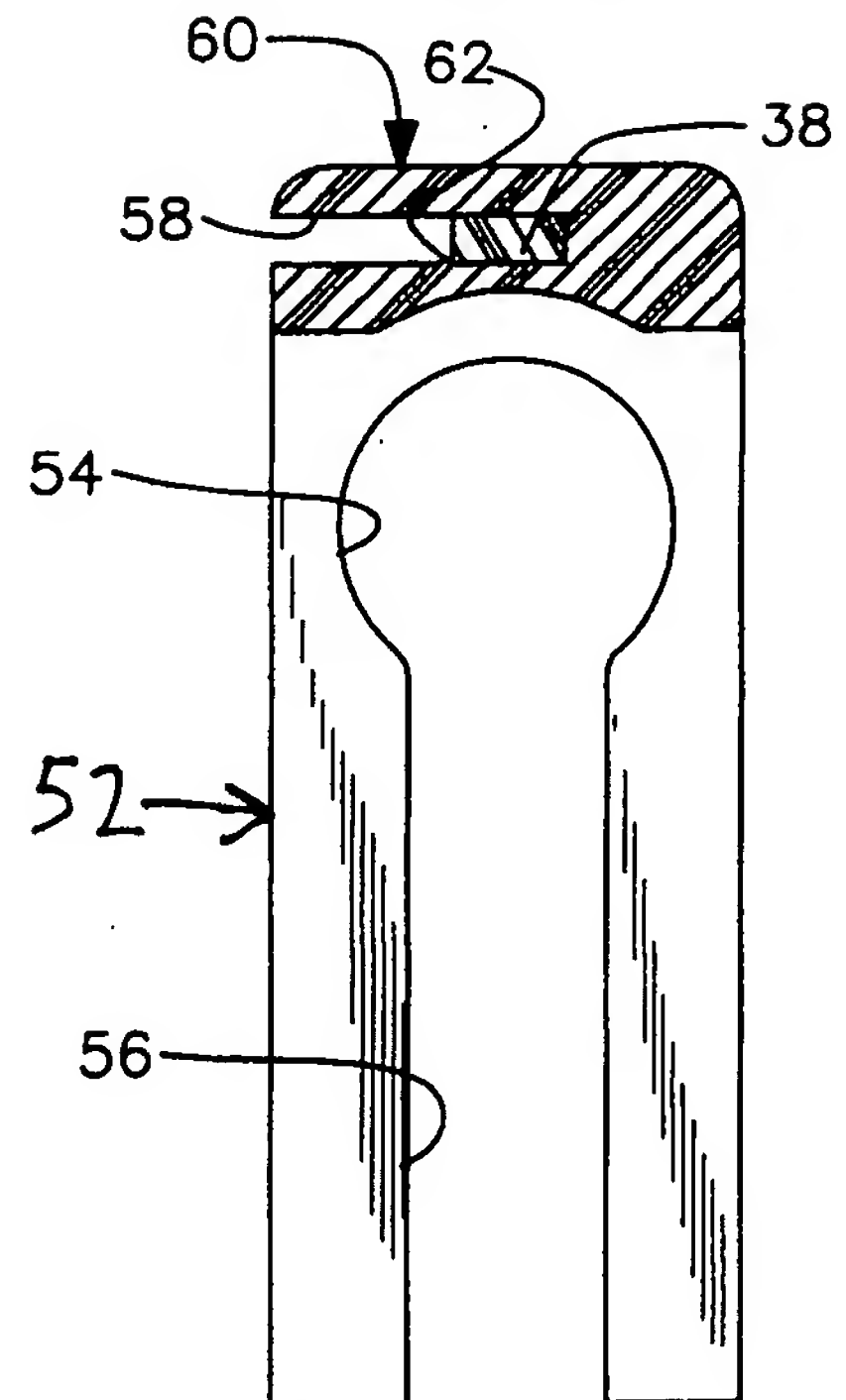


FIG. 6

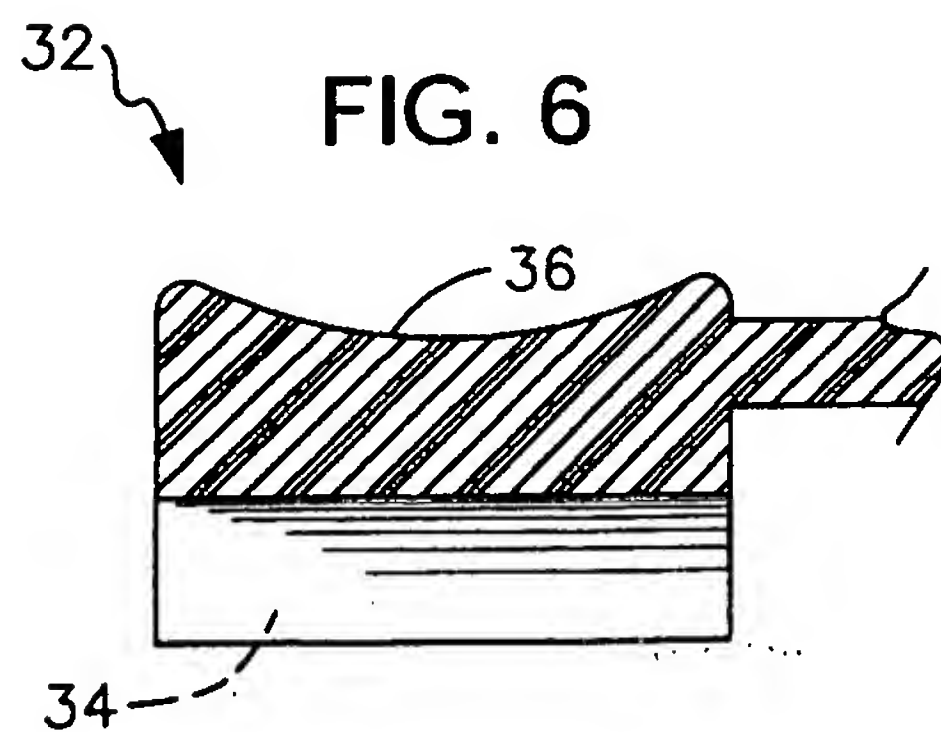
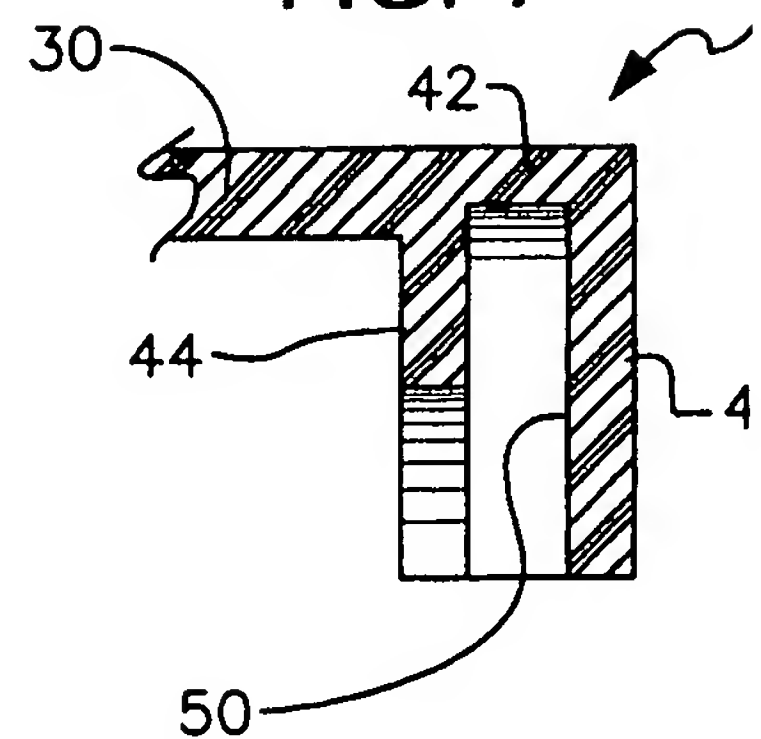


FIG. 7



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FIG. 8A

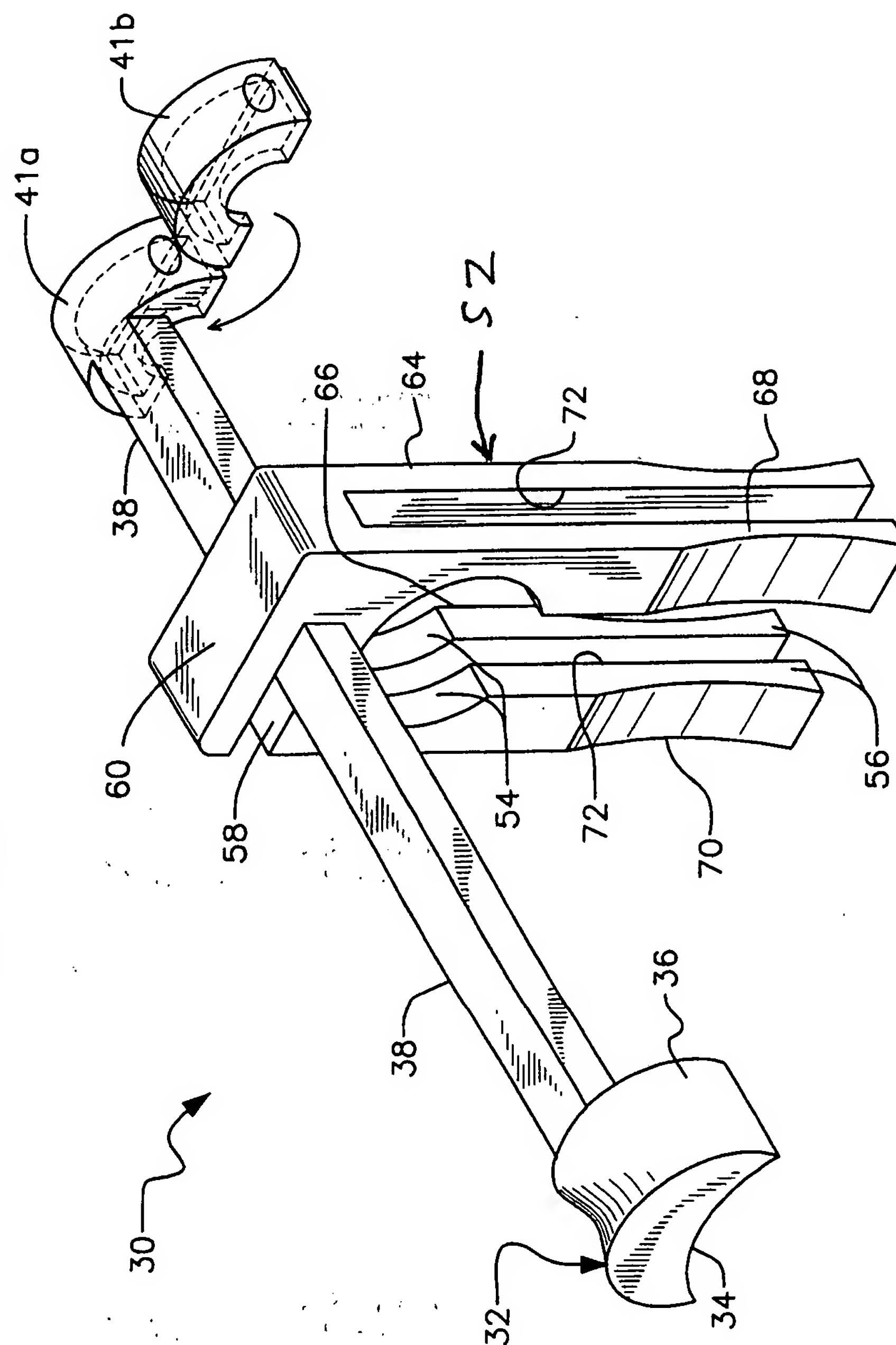


FIG. 8B

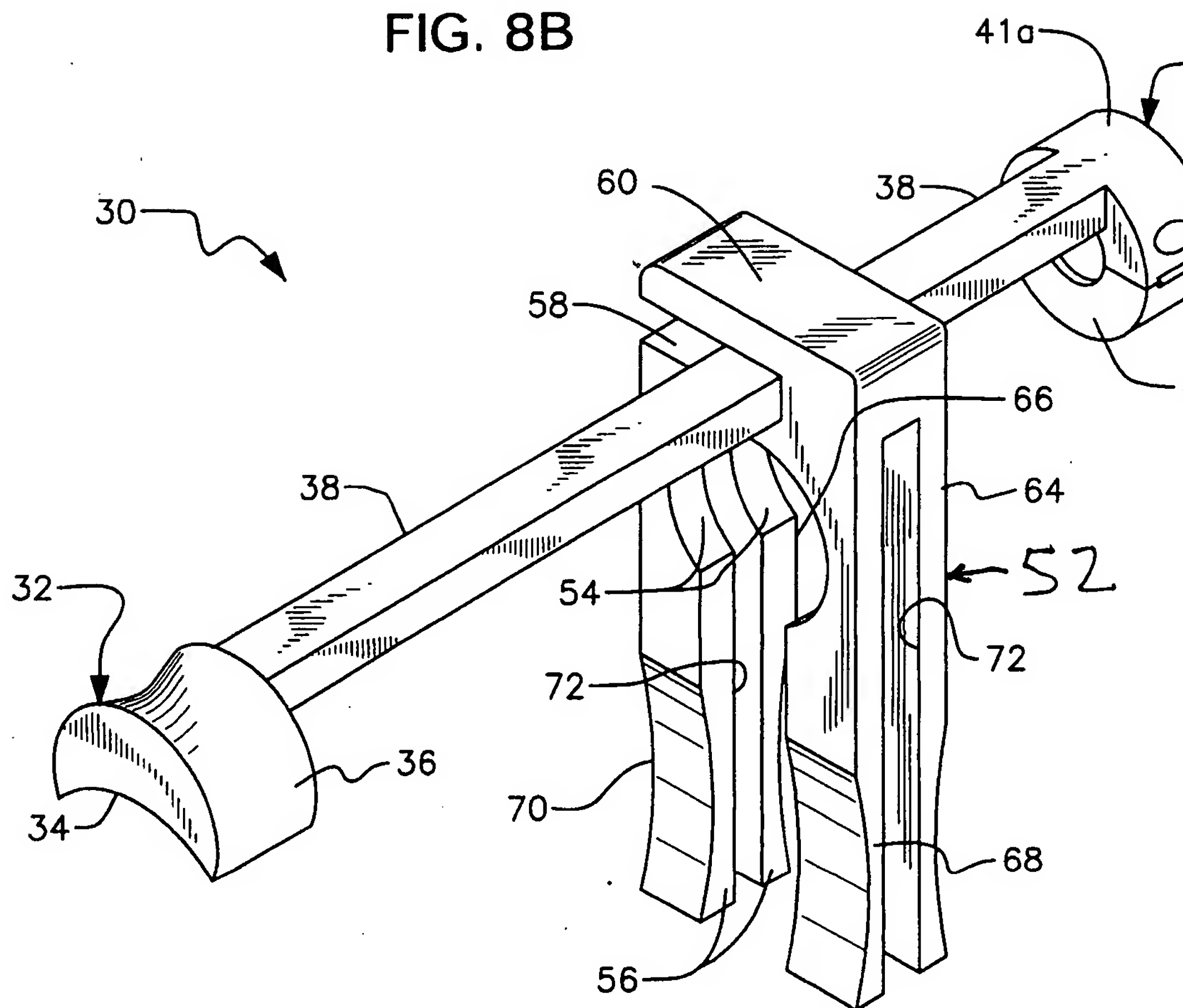
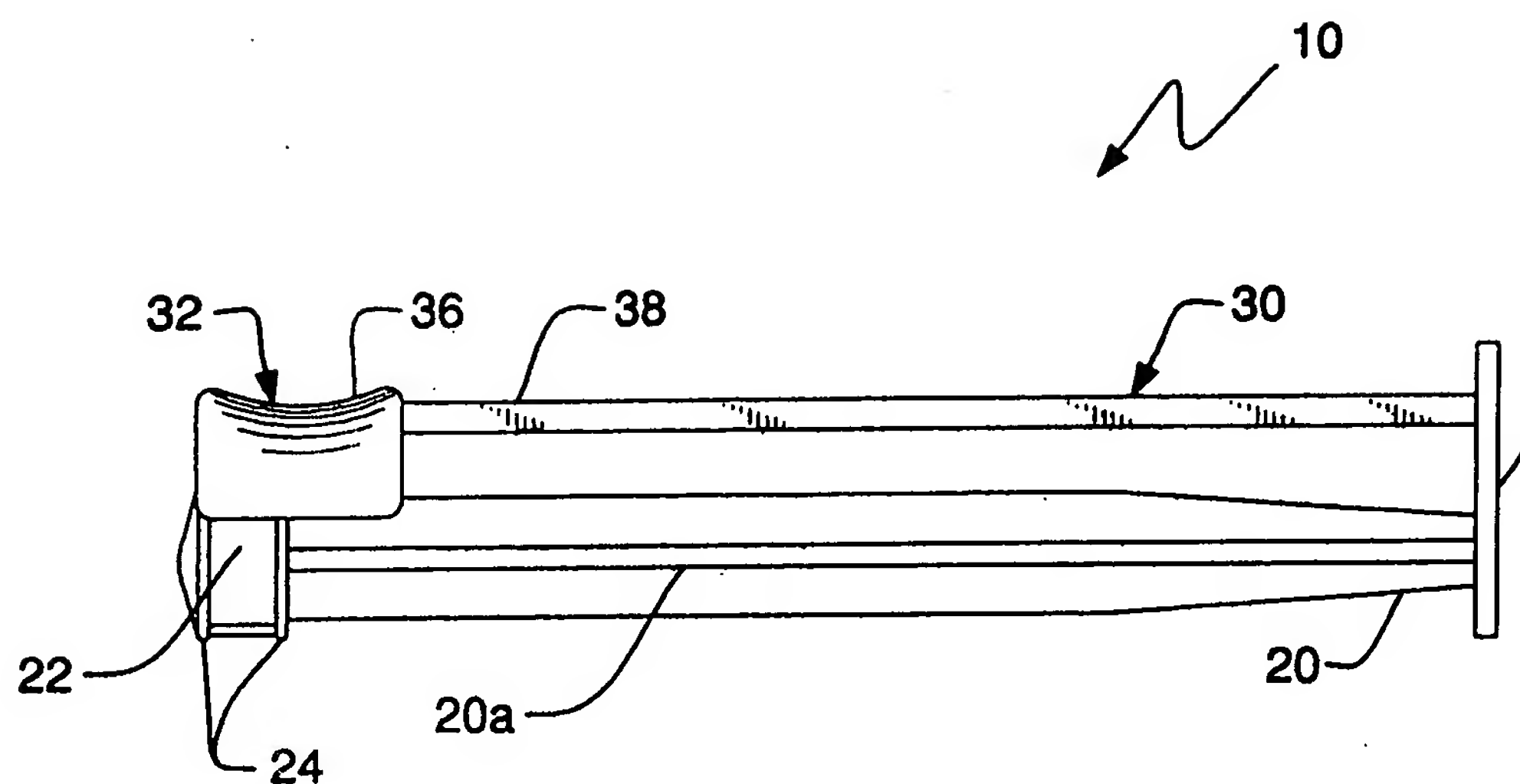


FIG. 9



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FIG. 10

